

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X ANSWER

KEDWIN PAYAMPS,

1:22-CV-00563-AMD-VMS

Plaintiff,

-against-

THE CITY OF NEW YORK; MAYOR BILL DE BLASIO;  
THE NEW YORK CITY POLICE DEPARTMENT (NYPD)  
COMMISSIONER DERMOT SHEA; NYPD CHIEF OF  
DEPARTMENT TERENCE MONAHAN; NYPD  
INSPECTOR JESSE LANCE; NYPD OFFICER COREY  
JOHNSON; FIRST NAME UNKNOWN ("FNU")  
AUGUSTE (Tax I.D. 961629); and NYPD MEMBERS JOHN  
AND JANE DOES 1-7

Defendants.

----- X

Defendant, **INSPECTOR JESSE LANCE** ("Defendant Lance") in his official and individual capacity, by his attorneys, **LA PIETRA & KRIEGER, P.C.**, as and for his Answer to the Complaint filed May 6, 2022, respectfully alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "1" of the Complaint.
2. Admits the allegations set forth in paragraph "2" of the Complaint.
3. Denies the allegations set forth in paragraph "3" of the Complaint, except admits that Bill DeBlasio was Mayor of N.Y.C.
4. Denies the allegations set forth in paragraph "4" of the Complaint, except admits that Defendant Shea was Police Commissioner.
5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "5" of the Complaint.

6. Denies the allegations set forth in paragraph “6” of the Complaint, except admits that Defendant Lance was an Inspector.

7. Denies the allegations set forth in paragraph “7” of the Complaint.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “8” of the Complaint.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “9” of the Complaint.

10. Denies the allegation set forth in paragraph “10” except admit that at all times Defendant Lance was acting as an on duty member of the NYPD, in full compliance with all applicable laws and rules.

11. Denies the allegation set forth in paragraph “11” except admit that at all times Defendant Lance was acting as an on duty member of the NYPD, in full compliance with all applicable laws and rules.

12. Denies the allegation set forth in paragraph “12” except admit that at all times Defendant Lance was acting as an on duty member of the NYPD, in full compliance with all applicable laws and rules.

13. Denies the allegation set forth in paragraph “13” except admit that at all times Defendant Lance was acting as an on duty member of the NYPD, in full compliance with all applicable laws and rules.

14. Denies the allegations set forth in paragraph “14” of the Complaint.

15. Denies the allegations set forth in paragraph “15” of the Complaint.

16. Denies the allegation set forth in paragraph “16” of the Complaint except admit that Plaintiff purports to proceed as stated therein.

17. Denies the allegation set forth in paragraph “17” of the Complaint except admit that Plaintiff purports to proceed as stated therein.

18. Denies the allegation set forth in paragraph “18” of the Complaint except admit that Plaintiff purports to proceed as stated therein.

19. Denies the allegation set forth in paragraph “19” of the Complaint except admit that Plaintiff purports to proceed as stated therein.

20. Denies the allegation set forth in paragraph “20” of the Complaint except admit that Plaintiff purports to proceed as stated therein.

21. Denies the allegation set forth in paragraph “21” of the Complaint except admit that Plaintiff purports to proceed as stated therein.

22. Denies the allegations set forth in paragraph “22” of the Complaint except admit that multiple violent protests occurred in NYC in the Spring/Summer of 2020.

23. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “23” of the Complaint.

24. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “24” of the Complaint.

25. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “25” of the Complaint.

26. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “26” of the Complaint.

27. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “27” of the Complaint.

28. Denies the allegation set forth in paragraph “28” of the Complaint except admit that the COVID-19 pandemic was ongoing in the Summer of 2020.

29. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “29” of the Complaint.

30. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “30” of the Complaint.

31. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “31” of the Complaint.

32. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “32” of the Complaint.

33. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “33” of the Complaint including all its subparagraphs.

34. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “34” of the Complaint including all its subparagraphs.

35. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “35” of the Complaint.

36. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “36” of the Complaint.

37. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “37” of the Complaint.

38. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “38” of the Complaint.

39. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “39” of the Complaint.

40. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “40” of the Complaint.

41. Denies the allegations set forth in paragraph "41" of the Complaint.

42. Denies the allegations set forth in paragraph "42" of the Complaint.

43. Denies the allegations set forth in paragraph "43" of the Complaint.

44. Denies the allegations set forth in paragraph "44" of the Complaint.

45. Denies the allegations set forth in paragraph "45" of the Complaint except admit that Defendant Lance lawfully struck Plaintiff's backpack with his baton or asp.

46. Denies the allegations set forth in paragraph "46" of the Complaint, except admit that Plaintiff's video purports to show an assault.

47. Denies the allegations set forth in paragraph "47" of the Complaint.

48. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "48" of the Complaint.

49. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "49" of the Complaint.

50. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "50" of the Complaint.

51. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "51" of the Complaint.

52. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "52" of the Complaint.

53. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "53" of the Complaint.

54. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "54" of the Complaint.

55. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “55” of the Complaint.

56. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “56” of the Complaint.

57. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “57” of the Complaint.

58. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “58” of the Complaint.

59. Denies the allegations set forth in paragraph “59” of the Complaint.

60. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “60” of the Complaint.

61. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “61” of the Complaint.

62. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “62” of the Complaint.

63. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “63” of the Complaint.

64. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “64” of the Complaint.

65. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “65” of the Complaint.

66. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “66” of the Complaint.

67. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “67” of the Complaint.

68. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “68” of the Complaint.

69. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “69” of the Complaint.

70. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “70” of the Complaint.

71. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “71” of the Complaint.

72. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “72” of the Complaint.

73. Denies the allegations set forth in paragraph “73” of the Complaint.

74. Denies the allegations set forth in paragraph “74” of the Complaint.

75. Denies the allegations set forth in paragraph “75” of the Complaint.

76. Denies the allegations set forth in paragraph “76” of the Complaint.

77. Denies the allegations set forth in paragraph “77” of the Complaint.

78. Denies the allegations set forth in paragraph “78” of the Complaint, except admits that at all times Defendant Lance was acting as an on duty member of the NYPD, in full compliance with all applicable laws and rules.

79. Denies the allegations set forth in paragraph “79” of the Complaint.

80. Denies the allegations set forth in paragraph “80” of the Complaint.

81. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “81” of the Complaint.

82. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “82” of the Complaint.

83. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “83” of the Complaint.

84. Denies the allegations set forth in paragraph “84” of the Complaint.

85. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “85” of the Complaint.

86. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “86” of the Complaint.

87. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “87” of the Complaint.

88. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “88” of the Complaint.

89. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “89” of the Complaint.

90. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “90” of the Complaint.

91. Denies the allegations set forth in paragraph “91” of the Complaint.

92. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “92” of the Complaint.

93. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “93” of the Complaint.

94. Denies the allegations set forth in paragraph “94” of the Complaint.

95. Denies the allegations set forth in paragraph “95” of the Complaint.



96. Denies the allegations set forth in paragraph "96" of the Complaint.

97. Denies the allegations set forth in paragraph "97" of the Complaint.

98. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "98" of the Complaint.

99. Denies the allegations set forth in paragraph "99" of the Complaint, accept admit that Defendant Lance was acting within the scope of his employment and in furtherance of the City of New York's interest.

100. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "100" of the Complaint.

101. Denies the allegations set forth in paragraph "101" of the Complaint.

102. Denies the allegations set forth in paragraph "102" of the Complaint.

103. Denies the allegation set forth in paragraph 103 of the Complaint.

104. Admits to the allegations set forth in paragraph "104" of the Complaint only as to Defendant Lance.

105. Denies the allegations set forth in paragraph "105" of the Complaint only as to Defendant Lance.

106. Admits to the allegation set forth in paragraph 106 only as to Defendant Lance.

107. Admits to the allegation set forth in paragraph 107 only as to Defendant Lance.

108. Admit that Inspector Lance was served with Administrative Charges by CCRB except state that defendant Lance is contesting all said charges and has yet to be heard in the NYPD TRIAL ROOM, where a deputy Police Commissioner will hear all the facts and evidence, before making a recommendation to the Police Commissioner regarding a finding of guilty or not guilty.

109. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “109” of the Complaint.

110. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “110” of the Complaint.

111. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “111” of the Complaint.

112. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “112” of the Complaint.

113. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “113” of the Complaint.

114. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “114” of the Complaint.

115. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “115” of the Complaint.

116. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “116” of the Complaint including all subparagraphs.

117. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “117” of the Complaint.

118. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “118” of the Complaint.

119. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “119” of the Complaint.

120. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “120” of the Complaint.

121. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “121” of the Complaint.

122. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “122” of the Complaint.

123. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “123” of the Complaint.

124. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “124” of the Complaint.

125. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “125” of the Complaint including all subparagraphs.

126. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “126” of the Complaint.

127. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “127” of the Complaint.

128. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “128” of the Complaint.

129. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “129” of the Complaint.

130. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “130” of the Complaint.

131. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “131” of the Complaint.

132. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “132” of the Complaint.

133. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “133” of the Complaint.

134. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “134” of the Complaint.

135. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “135” of the Complaint.

136. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “136” of the Complaint including all subparagraphs.

137. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “137”. of the Complaint.

138. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “138” of the Complaint.

139. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “139” of the Complaint.

140. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “140” of the Complaint.

141. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “141” of the Complaint.

142. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “142” of the Complaint.

143. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “143” of the Complaint.

144. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “144” of the Complaint.

145. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “145” of the Complaint.

146. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “146” of the Complaint.

147. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “147” of the Complaint.

148. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “148” of the Complaint.

149. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “149” of the Complaint.

150. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “150” of the Complaint.

151. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “151” of the Complaint.

152. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “152” of the Complaint.

153. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “153” of the Complaint.

154. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “154” of the Complaint.

155. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “155” of the Complaint.

156. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “156” of the Complaint.

157. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “157” of the Complaint.

158. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “158” of the Complaint.

159. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “159” of the Complaint.

160. Denies the allegations set forth in paragraph “160” of the Complaint as to Defendant Lance.

161. Denies the allegations set forth in paragraph “161” of the Complaint as to Defendant Lance.

162. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “162” of the Complaint as to Defendant Lance.

163. Denies the allegations set forth in paragraph “163” of the Complaint as to Defendant Lance.

164. Denies the allegations set forth in paragraph “164” of the Complaint as to Defendant Lance.

165. Denies the allegations set forth in paragraph “165” of the Complaint as to Defendant Lance.

166. Denies the allegations set forth in paragraph “166” of the Complaint as to Defendant Lance.

167. Denies the allegations set forth in paragraph “167” of the Complaint as to Defendant Lance.

168. Denies the allegations set forth in paragraph “168” of the Complaint as to Defendant Lance.

169. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “169” of the Complaint.

170. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “170” of the Complaint.

171. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “171” of the Complaint.

172. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “172” of the Complaint.

173. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “173” of the Complaint.

174. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “174” of the Complaint.

175. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “175” of the Complaint.

176. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “176” of the Complaint.

177. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “177” of the Complaint.

178. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “178” of the Complaint.

179. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “179” of the Complaint.

180. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “180” of the Complaint.

181. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “181” of the Complaint.

182. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “182” of the Complaint.

183. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “183” of the Complaint.

184. Denies the allegations set forth in paragraph “184” of the Complaint as to Defendant Lance.

185. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “185” of the Complaint as to Defendant Lance.

186. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “186” of the Complaint.

187. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “187” of the Complaint.

188. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “188” of the Complaint.

189. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “189” of the Complaint.

190. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “190” of the Complaint.

191. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “191” of the Complaint.



192. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “192” of the Complaint.

193. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “193” of the Complaint.

194. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “194” of the Complaint.

195. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “195” of the Complaint.

196. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “196” of the Complaint.

197. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “197” of the Complaint.

198. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “198” of the Complaint.

199. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “199” of the Complaint.

200. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “200” of the Complaint.

201. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “201” of the Complaint.

202. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “202” of the Complaint.

203. In response to paragraph “203” Defendant repeats the responses set forth in the preceding paragraphs of this answer, as though fully set forth herein.

204. Denies the allegations set forth in paragraph “204” of the Complaint as to Defendant Lance.

205. Denies the allegations set forth in paragraph “205” of the Complaint as to Defendant Lance.

206. Denies the allegations set forth in paragraph “206” of the Complaint as to Defendant Lance.

207. Denies the allegations set forth in paragraph “207” of the Complaint as to Defendant Lance.

208. Denies the allegations set forth in paragraph “208” of the Complaint as to Defendant Lance.

209. In response to paragraph “209,” Defendant repeats the responses set forth in the preceding paragraphs of this answer, as though fully set forth herein.

210. Denies the allegations set forth in paragraph “210” of the Complaint as to Defendant Lance.

211. Denies the allegations set forth in paragraph “211” of the Complaint as to Defendant Lance.

212. Denies the allegations set forth in paragraph “212” of the Complaint as to Defendant Lance.

213. In response to paragraph “213,” Defendant repeats the responses set forth in the preceding paragraphs of this answer, as though fully set forth herein.

214. Denies the allegations set forth in paragraph “214” of the Complaint as to Defendant Lance.

215. Denies the allegations set forth in paragraph “215” of the Complaint including all subparagraphs as to Defendant Lance.

216. Denies the allegations set forth in paragraph “216” of the Complaint as to Defendant Lance.

217. Denies the allegations set forth in paragraph “217” of the Complaint as to Defendant Lance.

218. In response to paragraph “218” Defendant repeats the responses set forth in the preceding paragraphs of this answer, as though fully set forth herein.

219. Denies the allegations set forth in paragraph “219” of the Complaint as to Defendant Lance.

220. Denies the allegations set forth in paragraph “220” of the Complaint as to Defendant Lance.

221. Denies the allegations set forth in paragraph “221” of the Complaint as to Defendant Lance.

222. Denies the allegations set forth in paragraph “222” of the Complaint as to Defendant Lance.

223. Denies the allegations set forth in paragraph “223” of the Complaint as to Defendant Lance.

224. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “224” of the Complaint.

225. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “225” of the Complaint.

226. Denies the allegations set forth in paragraph “226” of the Complaint as to Defendant Lance.

227. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “227” of the Complaint.

228. Denies the allegations set forth in paragraph “228” of the Complaint as to Defendant Lance.

229. Denies the allegations set forth in paragraph “229” of the Complaint as to Defendant Lance.

230. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “230” of the Complaint.

231. Denies the allegations set forth in paragraph “231” of the Complaint as to Defendant Lance.

232. Denies the allegations set forth in paragraph “232” of the Complaint as to Defendant Lance.

233. In response to paragraph “233,” Defendant repeats the responses set forth in the preceding paragraphs of this answer, as though fully set forth herein.

234. Denies the allegations set forth in paragraph “234” of the Complaint as to Defendant Lance.

235. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “235” of the Complaint.

236. Denies the allegations set forth in paragraph “236” of the Complaint as to Defendant Lance.

237. Denies the allegations set forth in paragraph “237” of the Complaint as to Defendant Lance.

238. In response to paragraph “238,” Defendant repeats the responses set forth in the preceding paragraphs of this answer, as though fully set forth herein.

239. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “239” of the Complaint.

240. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “240” of the Complaint.

241. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “241” of the Complaint.

242. Denies the allegations set forth in paragraph “242” of the Complaint as to Defendant Lance.

243. Denies the allegations set forth in paragraph “243” of the Complaint as to Defendant Lance.

244. In response to paragraph “244,” Defendant repeats the responses set forth in the preceding paragraphs of this answer, as though fully set forth herein.

245. Denies the allegations set forth in paragraph “245” of the Complaint as to Defendant Lance.

246. Denies the allegations set forth in paragraph “246” of the Complaint as to Defendant Lance.

247. Denies the allegations set forth in paragraph “247” of the Complaint as to Defendant Lance.

248. In response to paragraph “248,” Defendant repeats the responses set forth in the preceding paragraphs of this answer, as though fully set forth herein.

249. Denies the allegations set forth in paragraph “249” of the Complaint as to Defendant Lance.

250. Denies the allegations set forth in paragraph “250” of the Complaint as to Defendant Lance.

251. Denies the allegations set forth in paragraph “251” of the Complaint as to Defendant Lance.

252. Denies the allegations set forth in paragraph “252” of the Complaint as to Defendant Lance.

253. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “253” of the Complaint.

254. Denies the allegations set forth in paragraph “254” of the Complaint as to Defendant Lance.

255. Denies the allegations set forth in paragraph “255” of the Complaint as to Defendant Lance.

256. In response to paragraph “256,” Defendant repeats the responses set forth in the preceding paragraphs of this answer, as though fully set forth herein.

257. Denies the allegations set forth in paragraph “257” of the Complaint as to Defendant Lance.

258. Denies the allegations set forth in paragraph “258” of the Complaint as to Defendant Lance.

259. Denies the allegations set forth in paragraph “259” of the Complaint as to Defendant Lance.

260. Denies the allegations set forth in paragraph “260” of the Complaint as to Defendant Lance.

261. Denies the allegations set forth in paragraph “261” of the Complaint as to Defendant Lance.

262. In response to paragraph “262,” Defendant repeats the responses set forth in the preceding paragraphs of this answer, as though fully set forth herein.

263. Denies the allegations set forth in paragraph “263” of the Complaint as to Defendant Lance.

264. Denies the allegations set forth in paragraph “264” of the Complaint as to Defendant Lance.

265. In response to paragraph “265,” Defendant repeats the responses set forth in the preceding paragraphs of this answer, as though fully set forth herein.

266. Denies the allegations set forth in paragraph “266” of the Complaint as to Defendant Lance.

267. Denies the allegations set forth in paragraph “267” of the Complaint as to Defendant Lance.

268. Denies the allegations set forth in paragraph “268” of the Complaint as to Defendant Lance.

269. Denies the allegations set forth in paragraph “269” of the Complaint as to Defendant Lance.

270. Denies the allegations set forth in paragraph “270” of the Complaint as to Defendant Lance.

271. Denies the allegations set forth in paragraph “271” of the Complaint as to Defendant Lance.

272. Denies the allegations set forth in paragraph “272” of the Complaint as to Defendant Lance.

273. Denies the allegations set forth in paragraph “273” of the Complaint as to Defendant Lance.

274. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “274” of the Complaint.

275. Denies the allegations set forth in paragraph “275” of the Complaint as to Defendant Lance.

276. Denies the allegations set forth in paragraph “276” of the Complaint as to Defendant Lance.

277. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “277” of the Complaint.

278. Denies the allegations set forth in paragraph “278” of the Complaint as to Defendant Lance.

279. Denies the allegations set forth in paragraph “279” of the Complaint as to Defendant Lance.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

280. The complaint fails to state a claim against Defendant Inspector Jesse Lance both in his official and individual capacities upon which relief can be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

281. That the alleged incident and damages, if any, alleged to have been sustained by the Plaintiffs on the occasion(s) mentioned in the complaint were wholly or in part caused by the culpable conduct of the Plaintiffs.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

282. If it is determined that Defendant Inspector Lance as acting under the color of law, then his actions as a sworn police officer of the defendant, City of New York, were justified and were done in good faith, in that Defendant Inspector Lance reasonably believed he was exercising and acting within his statutory and constitutional powers.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

283. Plaintiffs' complaint fails to set forth facts sufficient to constitute deprivation of



any constitutional rights or other basis for a civil rights claim.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

284. If it is determined that Defendant Inspector Lance was acting under the color of law, then Defendant Inspector Lance acted reasonably and in good faith in discharging his official duties and responsibilities, and as such Defendant Inspector is entitled to qualified immunity pursuant to federal and state law.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

285. All Causes of Action alleged in plaintiffs' complaint are barred by the applicable statute of limitations.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

286. Upon information and belief, the injuries or damages alleged in the complaint were or may have been caused in whole or in part by parties now or hereafter to be named as co-defendants or third-party defendants and accordingly the liability of the answering Defendant Inspector Lance is, or may be limited by the provisions of Article 16 of the CPLR.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE**

287. That any sums of consideration paid or promised to Plaintiffs by any person(s) or corporation(s) claimed to be liable for the injuries or damages alleged in the complaint shall reduce any judgment rendered in favor of plaintiff as against Defendant Inspector Lance to the extent of the greater of either the sums or consideration paid or promised to Plaintiffs or the amount of the released tortfeasor's (s') equitable share(s) of the damages in accordance with General Obligation Law §15-108, *et. seq.*

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

288. Any award for recovery of the cost of medical care, dental care, custodial care or rehabilitation services, loss of earnings, or other economic loss claimed by the plaintiffs shall be reduced to the extent that any such cost or expense was or will with reasonable certainty be replaced or indemnified from any collateral source pursuant to CPLR §4545.

**AS AND FOR A FIRST CROSS-CLAIM AGAINST DEFENDANT,**

**CITY OF NEW YORK**

289. If the Plaintiffs were caused damages as alleged in the Plaintiffs' complaint, due to any culpable conduct other than Plaintiffs' own culpable conduct, then, such damages were subsequently due to the culpable conduct, negligent acts of omission or commission of defendant, The City of New York.

**AS AND FOR A SECOND CROSS-CLAIM AGAINST DEFENDANT,**

**CITY OF NEW YORK**

290. If it is determined that Defendant Inspector Lance was acting under the color of law, then all of his acts were performed within the scope of his duties and within the scope of his employment as a New York City Police Officer, and any liability to Plaintiffs must be assumed by Defendant, City of New York, pursuant to the principle of *respondeat superior*.

**AS AND FOR A THIRD CROSS-CLAIM AGAINST DEFENDANT,**

**CITY OF NEW YORK**

291. Pursuant to this principle of law, if the Plaintiffs recover any judgment against Defendant Inspector Lance, then Defendant Inspector Lance is entitled to recover the amount of such judgment from defendant, The City of New York.

**AS AND FOR A FOURTH CROSS-CLAIM AGAINST DEFENDANT,**  
**CITY OF NEW YORK**

292. If it is determined that Defendant Inspector Lance was acting under the color of law, then all of his actions were performed within the performance of his duties and within the scope of his employment as a New York City Police Officer, and any liability to the Plaintiffs must be assumed by defendant, The City of New York, pursuant to NYS General Municipal Law §50-K.

293. Any damages sustained by the Plaintiffs at the time or place mentioned in the plaintiffs' complaint are embraced within the provisions of NYS General Municipal Law §50-K.

294. Pursuant to this provision of NYS General Municipal Law §50-K, if the Plaintiffs recover any judgment against Defendant Inspector Lance, then the answering Defendant, Inspector Lance is entitled to recover the amount of such judgment from the defendant, The City of New York.

**WHEREFORE**, Defendant Inspector Lance respectfully demands judgment against the Plaintiffs as follows:

- (a) Dismissing the Plaintiffs' complaint in its entirety;
- (b) Granting Inspector Lance costs, disbursements, expenses of the action, reasonable attorney's fees, and such other and further relief as this Court deems just and proper.

Dated: July ~~27~~, 2022

White Plains, New York

La Pietra & Krieger, P.C.  
*Attorneys for Defendant –*  
*Inspector Jesse Lance*  
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White Plains, NY 10603  
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lou@lapietrakrieger.com

By:   
Louis C. La Pietra (LL6978)

Case No. 1:22-CV-00563-AMD-VSM

Year: 2022

**United States District Court  
Eastern District of New York**

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KEDWIN PAYAMPS,

Plaintiff,

-against-

THE CITY OF NEW YORK; MAYOR BILL DE BLASIO;  
THE NEW YORK CITY POLICE DEPARTMENT (NYPD)  
COMMISSIONER DERMOT SHEA; NYPD CHIEF OF  
DEPARTMENT TERENCE MONAHAN; NYPD  
INSPECTOR JESSE LANCE; NYPD OFFICER COREY  
JOHNSON; FIRST NAME UNKNOWN ("FNU")  
AUGUSTE (Tax I.D. 961629); and NYPD MEMBERS JOHN  
AND JANE DOES 1-7,

Defendant.

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**ANSWER**

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**La Pietra & Krieger, P.C.**

*Attorneys for Defendant –*

*Inspector Jesse Lance*

30 Glenn Street Suite 105

White Plains, NY 10603

(p) (914) 684-6000

(f) (914) 287-6460

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*Pursuant to 22NYCRR 130-1-1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that upon information and belief and reasonable inquiry, the contentions contained in the annexed documents are not frivolous.*

Dated: July 27, 2022

Signature: 

Print Signer's Name: Louis C. La Pietra

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**PLEASE TAKE NOTICE**

☒ **ANSWER** that the within is a (certified) true copy of an

Dated:

**LA PIETRA & KRIEGER, P.C.**

*Attorneys for Defendant –*

*Inspector Jesse Lance*

30 Glenn Street, Suite 105

White Plains, NY 10603